

Super PACs . . . Still in the News

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Already during the 2012 campaign season, Super PACs are attracting significant media attention and high dollars from donors. In case you are not familiar with the term, a Super PAC is a political action committee accepting unlimited corporate and individual contributions for the sole purpose of making independent expenditures or non-coordinated electioneering communications supporting or opposing federal candidates. (Additional background information about Super PACs is available from the September 2011 "What Is a Super PAC?" article in Wiley Rein's *Election Law News*). Over the past few weeks, several new and interesting developments have occurred regarding Super PACs.

First, in early February, President Obama's campaign announced that it was urging donors to contribute to a closely allied Democratic Super PAC that was founded by two former White House staffers. At the time of the announcement, many observers noted that President Obama had previously expressed opposition to Super PACs as well as to the U.S. Supreme Court's decision in *Citizens United*, which established some of the groundwork for establishing Super PACs. Super PACs also exist for the four leading Republican presidential candidates.

Second, a few days before the Obama campaign announcement urging support for a Democratic Super PAC, three Democratic Senators-Al Franken (D-MN), Chuck Schumer (D-NY) and Sheldon Whitehouse (D-RI)-decried the money spent by Super PACs in a press conference. Senator Schumer, the Chairman of the Senate Rules Committee, even pledged that the Senate Rules Committee would hold hearings on Super PACs. A few weeks after this press conference, Senators Franken, Schumer and Whitehouse, along with eight other Democratic Senators, sent a letter to the FEC urging it to

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implement broad disclosure and disclaimer requirements on political activities like those conducted by Super PACs. On March 13, 2012, a group of Democratic senators announced the formation of a working group to draft legislation in response to the *Citizens United* decision. The announcement indicated that the legislative response would target Super PACs.

Third, Texas Governor Rick Perry suspended his presidential campaign on January 19, 2012. A few weeks later, Governor Perry's campaign submitted an advisory opinion request to the Federal Election Commission (FEC) seeking advice on whether the Governor could transition his principal campaign committee to a non-connected PAC and whether it could become a Super PAC. The FEC has not yet ruled on the request.